

OO/PRC

76-7213

OGC Has Reviewed

10 MAY 1976

MEMORANDUM FOR: Director of Central Intelligence  
THROUGH : Deputy Director for Administration *JFB/der*  
FROM : F. W. M. Janney *12 May 76*  
SUBJECT : Director of Personnel  
              Problems of Certain Drug Enforcement  
              Administration Employees

1. I am advised that during his meeting with you on 5 May 1976, the Administrator, Drug Enforcement Administration, discussed a situation involving five former Agency employees who resigned from the Agency to accept positions with DEA. I am not sure you were aware that I and other representatives of the Agency had met with the Director of Personnel, Department of Justice, on 19 April 1976 to discuss this situation.

2. Essentially, the problem is this: When these former Agency employees were recruited by the Drug Enforcement Administration, they were assured by DEA that their Agency service would qualify as law enforcement time and make them eligible for the preferential retirement benefit available to DEA personnel engaged in law enforcement. This information was in error since CIA is not engaged in law enforcement. Consequently, the certification required by the Civil Service Commission concerning law enforcement service could not be issued by the Agency.

3. Since our meeting with the DEA officials, we have received a copy of a letter sent to the Administrator, Drug Enforcement Administration, copy attached. Please note that in that memorandum, DEA acknowledges the erroneous advice

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provided by DEA officials to our former employees; recognizes that Agency time may not be certified as law enforcement time; and acknowledges that the Agency cannot guarantee reemployment to any of those involved who may wish to return to the Agency.

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STATINTL 4. It should be noted that of the five individuals Mr. Bensinger discussed with you, only two, [redacted]

[redacted] were at the time of their separation from the Agency participants in the CIA Retirement and Disability System and had completed the necessary qualifying service to vest retirement benefits of CIARDS.

STATINTL The other three employees,

[redacted] were not participants in CIARDS.

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5.

Nonetheless, any

[redacted] one or all of the five former employees have the right to reapply for Agency employment and should receive consideration. We are not optimistic, however, that jobs are available in their former career service and have undertaken a review of possible opportunities for this group.

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7. We recommend, therefore, that you sign the attached letter to the Administrator, Drug Enforcement Administration.

J. M. Janney

F. W. M. Janney

Attachments:

- A - Letter to Administrator, DEA for Director's signature
- B - Copy of letter to Administrator, DEA from Assistant Attorney General for Administration, dated 27 April 1976

Distribution:

- Orig - Adse w/atts
- 1 - DDCI
- 1 - ER
- 2 - DDA
- 2 - D/Pers (1 w/held)

OD/Pers: [redacted]:bkf (7 May 76)

STATINTL

46-1243/a-1

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14 May 1976

The Honorable Peter B. Bensinger  
Administrator, Drug Enforcement Administration  
Department of Justice  
1405 I Street, N. W.  
Washington, D. C. 20537

Dear Peter:

When we discussed the situation of our former employees now with the Drug Enforcement Administration, I was not aware that our Director of Personnel and other representatives of the Agency had already met with Mr. Robert Smith, Director of Personnel of the Department of Justice. During that meeting, the problems you raised were discussed in great detail, and there was agreement that this Agency could not certify to the Civil Service Commission that the service with the Agency qualified as law enforcement time.

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[Redacted]  
  
At any rate, the only advice I can supply is that if any of our former employees wish to reapply, they should feel free to do so. I cannot, of course, guarantee their

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reemployment since our hiring has been and will continue to be severely limited. We will, of course, give these former employees every consideration.

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[redacted] we would hope that any of the five who wish to reapply for employment would do so because of a desire to renew their career with us.

I wish I could have been more helpful in assisting you to correct an obvious inequity but trust you understand the constraints and requirements of law within which I must operate.

Sincerely,

*(S)*

George Bush  
Director

(S) E. W. M. JAMES

Originator: \_\_\_\_\_  
Director of Personnel

Distribution:

Orig - Adse

1 - DCI

1 - DCCT

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10 MAY 1976

"I enjoyed our meeting  
the other day Bert."  
*(S) George*

DD/Pers: [redacted]:blkf (7 May 76)

STATINTL

76-1097

Peter B. Bensinger  
Administrator

Drug Enforcement Administration

Glen E. Pomereneing  
Assistant Attorney General *(S)*  
for Administration

Assistance for Certain DEA Employees

This is in response to your memorandum of March 26, 1976, requesting assistance in resolving the retirement credit problems of eleven DEA employees who claim previous service with the Central Intelligence Agency (CIA).

Members of my staff have carefully researched this matter and explored the matter with both the U.S. Civil Service Commission (CSC) and the CIA. Regrettably, there is no action available to the Department <sup>FOIAb5</sup> the CSC or the CIA that will undo the adverse effect of the erroneous advice DEA officials gave these employees.

[Redacted]

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STATINTL [Redacted] CIA is offering no guarantee of reemployment nor could it assure any employees it rehired that they would be assigned to "special service," sufficient to qualify them, if at all. Application for reemployment may be of special interest to [Redacted]

[Redacted] who have already accrued the requisite

years of special service.

It is unfortunate that these employees must suffer the consequences of this error, but that is not an uncommon result of errors committed by management in the federal personnel system. It is one of the reasons why we all must pay continuing attention to the care with which personnel issues are handled. In any case, however, I sincerely regret that an equitable solution could not be found.

cc: File Rm 1111  
Mr. Smith